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Docket 03542

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Examiner: Bui, Thach H.

Louis A. Antonucci

Group Art Unit: 3752

Serial No. 10/632,339

Filed: August 1, 2003

For: DRYWALL TEXTURE GUN

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

PETITION TO REVIVE UNDER 37 CFR 1.137(b)

Applicant hereby petitions for revival of the above-identified application in accordance with 37 CFR 1.137(b).

Applicant's delay in response to the Office Action dated March 29, 2005 was unintentional having been caused by an incorrect serial number being used for the Applicant's response.

Enclosed is a copy of the originally submitted Petition for Extension of Time and Responsive Amendment which together with a check in the amount of \$510.00 was mailed February 28, 2005. Because the serial number was the number for the parent application of the present application, the amendment was not entered and Applicant received a Notice of Abandonment for the present application dated March 29, 2005.

Also enclosed herewith is a corrected amendment which responds to said Office Action and bears the correct serial number for the present application.

Applicant's check in the amount of \$750.00 as payment of the petition fee is also enclosed.

Respectfully Submitted,

Roy A. Ekstrand
Registration No. 27,485
Attorney for the Applicant

3158 Redhill Avenue, Ste. 150
Costa Mesa, California 92626
(714) 662-7733

Date: JUNE 22, 2006

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:

Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450, on June 22, 2006

By: ROY A. EKSTRAND

Signature:

Date: JUNE 22, 2006

750.00 DP

06/28/2006 SFELEKE1 00000038 10632339

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Attachments



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,339	08/01/2003	Louis A. Antonucci	03542	3587

7590 03/29/2005
ROY A. EKSTRAND
3158 REDHILL AVE., STE 150
COSTA MESA, CA 92626

EXAMINER

BUI, THACH H

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment

Application No.

10/632,339

Examiner

Thach H Bui

Applicant(s)

ANTONUCCI, LOUIS A.

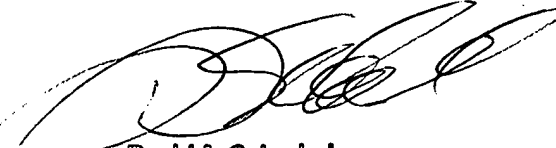
Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 26 August 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter-of-express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


David A. Scherbel
Supervisory Patent Examiner
Group 3700

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



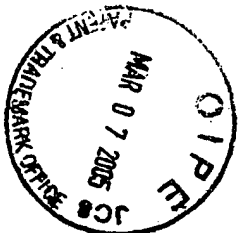
Docket No. 03542
Serial/Patent No. 10/632,339

The date stamp of the Patent & Trademark Office hereon confirms the date the following was received.

- ☐ New Application
- ☐ Filing Date
- ☐ Assignment
- ☐ Drawing
- ☐ Notice of Appeal
- ☐ Appeal Brief
- ☐ Power of Att.
- ☒ Fee
- ☒ Resp. to O.A. three month ext. fee
- ☐ Con. Doc.
- ☒ Check No. 1153 \$ 510.00

No. 9012 Patent receipt card, 9-02

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PTO: Please stamp and return.



Docket 03542

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Louis A. Antonucci

Serial No.: 10/206,546

Filed: July 26, 2002

For: DRYWALL TEXTURE GUN

Examiner: Flynn, Amanda R.

Group Art Unit: 3751

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

PETITION AND FEE FOR EXTENSION OF TIME
UNDER 37 C.F.R. 1.136(a)

Applicant hereby petitions for a three-month extension of time to respond to the Office Action mailed August 26, 2004. A check in the amount of \$510.00 representing the extension fee is attached.

An Amendment responsive to the outstanding Office Action is being filed simultaneously herewith.

Respectfully Submitted,

Roy A. Ekstrand
Registration No. 27,485
Attorney for the Applicant

3158 Redhill Avenue, Ste. 150
Costa Mesa, California 92626
(714) 662-7733

Date: Feb 28, 2005

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on Feb 28, 2005

By: Roy A. Ekstrand
Signature:
Date: Feb 28, 2005



Docket 03542

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Louis A. Antonucci

Serial No.: 10/206,546

Filed: July 26, 2002

For: DRYWALL TEXTURE GUN

Examiner: Flynn, Amanda R.

Group Art Unit: 3751

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Dear Sir:

PETITION AND FEE FOR EXTENSION OF TIME
UNDER 37 C.F.R. 1.136(a)

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Respectfully Submitted,


Roy A. Ekstrand
Registration No. 27,485
Attorney for the Applicant

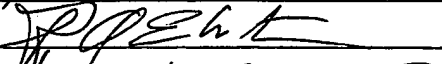
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Docket 03542

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Louis A. Antonucci

Serial No.: 10/206,546

Filed: July 26, 2002

For: DRYWALL TEXTURE GUN

Hon. Commissioner of Patents & Trademarks
Washington, D.C. 20231

Examiner: Flynn, Amanda R.

Group Art Unit: 3751

Dear Sir:

AMENDMENT

In response to the Office Action dated August 26, 2004, please amend the above-identified application as follows:

IN THE CLAIMS:

Please amend Applicants claims as set forth in the attached section headed "Claim List".

Please consider Applicants arguments set forth in support of Applicants amended claims set forth in the section hereof headed "Remarks".

Concurrent with this amendment, Applicant presents a petition and fee for a three-month extension of time for response to the August 26, 2004 Office Action.

Respectfully Submitted,



Roy A. Ekstrand
Registration No. 27,485
Attorney for the Applicant

3158 Redhill Avenue, Ste. 150
Costa Mesa, California 92626
(714)662-7733

Date: Feb 28, 2005

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Alexandria, VA 22313-1450
on Feb 28, 2005

By: Roy A. Ekstrand

Signature: 

Date: Feb 28, 2005

REMARKS

Claims 6 and 7 are rejected under 35 USC 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Claims 1 through 10 are rejected under 35 USC 102(b) as being anticipated by Jett et al. Claim 11 is rejected under 35 USC 102(b) as being anticipated by Lau et al. Indication is given that claims 12 through 17 are objected to for dependence upon a rejected base claim but indicated to be allowable if rewritten in independent form to include all limitations of base and intervening claims.

Claim 1 has been amended to include the limitation in Applicants inventive structure referred to as angled dispersal apertures. Claim 9 has been canceled. Claim 10 has been amended to correct typographical errors and to more clearly set forth Applicants plurality of angled dispersal apertures for introducing swirling turbulence into the material flow. Claim 11 has been amended to comply with Examiners indication that claim 15 would be allowable if amended to include all limitations of its parent claim (claim 11). Thus, the amendment of claim 11 presented herein is in compliance with Examiners objection to claim 15 by combining the subject matter of claim 11 and 15 into amended claim 11. In favor of this amendment, claim 15 is cancelled. Claim 16 is amended to shift its dependence to canceled claim 15 to amended claim 11. The remaining claims set forth in Applicants claim list as "original" remain unchanged.

With respect to Examiner rejection of claims 6 and 7 under 35 USC 112, it is believed

that Applicants amendment of claim 1 to specifically set forth the element of a "texture supply" renders claims 6 and 7 correct under 35 USC 112.

With respect to Examiners rejection of claims 1 through 10 under 35 USC 102(b) based upon Jett et al., Applicant asserts that Applicants amendment of claims 1 and 10 to more clearly recite the element of Applicants novel angled dispersal apertures introducing turbulence and swirl into the flowing texture material is neither shown nor contemplated within Jett.

With respect to Examiners rejection of claim 11 under 35 USC 102(b), it is believed that Applicants amendment of claim 11 to include the subject matter of objected claim 15 now places claim 11 in condition for allowance.

In review of the foregoing remarks and claim amendments set forth in Applicants Claim List, it is believed that Applicants claims as amended set forth patentable subject matter and allowance thereof is respectfully requested.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Roy A. Ekstrand", written in a cursive style.

Roy A. Ekstrand
Registration No. 27,485
Attorney for the Applicant

CLAIM LIST

THAT WHICH IS CLAIMED IS:

1. (currently amended) A drywall texture gun, comprising:

a chamber spray head, having a one-way check valve installed at a first end thereof to allow a compressed air flowing therein;

a texture supply having texture material therein;

a nozzle, connected to a second end of the chamber spray head; and

a supply tube, extending across the chamber spray head with an inlet entering a said texture supply and an outlet entering the nozzle, wherein;

the outlet defines a plurality of angled dispersal apertures therethrough and is restricted in the nozzle with an adjustable space to reciprocate responsive to the compressed air;

the outlet is so structured that the compressed air is introduced from the chamber

spray head into said supply tube through said angled dispersal apertures to produce material swirl
and to adjust a pattern of a texture material flowing therethrough; and

the inlet is so structured that the compressed air is able to flow from the chamber
spray head to the texture supply to drive the said texture material into the supply tube.

2. (original) The drywall texture gun according to claim 1, further comprising a hollow
body connected to the first end of the chamber spray head, wherein the hollow body is connected
to a compressed air source.

3. (original) The drywall texture according to claim 1, further comprising a nozzle seat
inserted between the nozzle and the chamber spray head.

4. (original) The drywall texture gun according to claim 3, wherein the nozzle is
adjustably mounted on the nozzle seat.

5. (original) The drywall texture gun according to claim 3, wherein the tube has a
dimension smaller than an outside diameter of the nozzle seat, such that compressed air can flow
from the chamber spray head to the nozzle.

6. (original) The drywall texture gun according to claim 1, wherein the chamber spray
head has an opening at a sidewall thereof allowing the supply tube to extend to the texture

supply.

7. (original) The drywall texture according to claim 6, wherein the opening is larger than a dimension of the supply tube, such that the compressed air can flow from the chamber spray head into the texture supply.

8. (original) The drywall texture according to claim 1, wherein the outlet has a protruded structure at a perimeter thereof to restrict the outlet in the nozzle.

9. (cancelled)

10. (currently amended) A texture gun, comprising:

a hollow module, through which compression pressure is supplied,

a nozzle module, through which a texture is sprayed;

a chamber spray head module, through which the compression pressure is translated from the hollow module to texture supply, of which the texture driven by the compression pressure is transported to the nozzle module;

a one-way check valve module, to prevent the texture from flowing into the

hollow modular module; and

a texture channel, through which the texture is transported from the texture supply to the nozzle, wherein an outlet of the texture channel is restricted in the nozzle module and provides a path for the ~~plurality of angled apertures to introduce swirling turbulence~~ compression pressure flowing from the chamber spray head into the texture channel at the outlet, such that the texture is broken up before being sprayed from the nozzle module.

11. (currently amended) A texture gun comprising:

a texture material supply for receiving and retaining a quantity of texture material;

a chamber spray head coupled to said texture material supply having a compressed air input;

a nozzle supported by said chamber spray head having a nozzle chamber and nozzle aperture;

a supply tube extending from said nozzle to said texture material supply;

a compressed air gun having means for coupling to a source of compressed air, an input passage coupled to said means for coupling, and an output passage coupled to said chamber

spray head; and

a trigger unit interposed between said input and output passages and operable in an open and closed state,

~~wherein said nozzle defines a nozzle bore and wherein said supply tube includes an upper end passing through said nozzle bore into said nozzle chamber and having a disperser supported upon said upper end within said nozzle chamber.~~

said trigger unit including a spray gun air bleed operable when said trigger unit is switched from said open state to said closed state to release existing air pressure in said nozzle, said chamber spray head, said texture material supply and said output passage.

12. (original) The texture gun set forth in claim 11 wherein said trigger unit includes:

an internal chamber formed in said compressed air gun in communication with said input and output passages and having a valve seal therebetween;

a trigger shaft having a seal, an inner end and an outer end said trigger shaft being movable between a first position closing said seal against said valve seat and a second position opening said seal away from said valve seal;

a spring urging said trigger shaft toward said first position; and

an air bleed path formed in said trigger shaft for allowing air flow from said output passage to the exterior of said compressed air gun when said trigger shaft is in said first position.

13. (original) The texture gun set forth in claim 12 wherein said compressed air gun defines a bore within which said trigger shaft is slidable and wherein said air bleed path include one or more grooves formed in said trigger shaft said grooves extending between said output passage and beyond said bore when said trigger shaft is in said first position.

14. (original) The texture gun set forth in claim 13 wherein said trigger unit includes a trigger button supported on said outer end and wherein said bore terminates in an outer surface, said trigger unit further including a resilient seal carried by said trigger shaft between said trigger button and said outer surface.

15. (cancelled)

16. (currently amended) The texture gun set forth in claim 15 11 wherein said disperser includes a guide fitted within said nozzle bore, one or more facets in said guide and a plurality of dispersing apertures whereby air flows past said one or more facets and through said disperser apertures to break up texture material flowing into said nozzle chamber.

17. (original) The texture gun set forth in claim 16 wherein said disperser includes an enlarged bead captivating said disperser within said nozzle chamber.